

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ERIC MILLER,
Plaintiff,

v.
EDUTREK, LLC,
Defendant.

Case No. 14-cv-01277-YGR

**ORDER: (1) TO SHOW CAUSE AND
DIRECTING PLAINTIFF ERIC MILLER TO
SHOW CONTINUED INTENT TO PROSECUTE
THIS ACTION AND (2) REQUIRING
PRODUCTION OF DOCUMENTS**

On November 18, 2014, counsel for Plaintiff Eric Miller moved to withdraw from the case, stating they have been unable to communicate with their client. (Dkt. No. 27.) On November 25, 2014, the Court issued an Order requiring plaintiff's counsel to appear in person at the scheduled case management conference and to bring documentary evidence supporting their motion to withdraw. (Dkt. No. 30.) The Court held the case management conference on December 1, 2014.

I. ORDER TO SHOW CAUSE

At the conference, the Court reviewed the documents submitted by plaintiff's counsel and further determined that the motion was appropriate for decision without oral argument beyond that provided at the conference, as permitted by Civil Local Rule 7-1(b) and Federal Rule of Civil Procedure 78. *See also Lake at Las Vegas Investors Group, Inc. v. Pacific Malibu Dev. Corp.*, 933 F.2d 724, 729 (9th Cir. 1991). Accordingly, the Court **VACATED** the December 23, 2014 hearing on the motion to withdraw.

In light of the information received, the Court **ORDERS** Plaintiff Eric Miller to show cause why this case should not be dismissed for failure to prosecute. The hearing shall occur on **December 19, 2014, at 9 a.m.**, in Courtroom 1, 1301 Clay Street, Oakland, California. Plaintiff Eric Miller is ordered to attend this conference personally and confirm that he intends to prosecute this action. Failure to do so will result in dismissal for failure to prosecute.

Plaintiff Eric Miller is hereby notified of the following effects of an Order granting plaintiff's counsel's motion to withdraw:

NOTICE TO CLIENT WHO MAY BE UNREPRESENTED

You may no longer have an attorney representing you. You may wish to seek legal assistance. If you do not have a new attorney to represent you in this action or proceeding, and you are legally permitted to do so, you will be representing yourself. It will be your responsibility to comply with all court rules and applicable laws. **If you fail to do so, or fail to appear at hearings, action may be taken against you. You may lose your case.**


It is your duty to keep the Court informed at all times of your current address. The Court needs to know how to contact you. If you do not keep the Court and other parties informed of your current address and telephone number, they will not be able to send you notices of actions that may affect you, including actions that **may adversely affect your interests or result in your losing your case.** You may also not be permitted to maintain your suit as a putative class action without counsel.

II. ORDER REQUIRING PRODUCTION OF DOCUMENTS

The Court also **ORDERED** plaintiff's counsel to (1) provide readable copies of the screenshots provided to the Court to defense counsel by **December 2, 2014**, and (2) meet and confer with defense counsel and provide defense counsel with a written statement, signed under penalty of perjury, explaining plaintiff's counsel's pre-suit investigation and Rule 11 basis for filing suit by **December 8, 2014**.

IT IS SO ORDERED.

Dated: December 3, 2014


YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT